

BILLY J. WILLIAMS, OSB #901366  
United States Attorney  
District of Oregon  
FRANK R. PAPAGNI, Jr., OSB #762788  
Assistant United States Attorney  
frank.papagni@usdoj.gov  
405 E. 8<sup>th</sup> Avenue, Suite 2400  
Eugene, OR 97401  
Telephone: (541) 465-6771  
Facsimile: (541) 465-6917  
Attorneys for United States of America

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**6:15-CR-00345-MC**

**v.**

**UNITED STATES' SENTENCING  
MEMORANDUM**

**SCOTT ANTHONY SHIPMAN,**

**Sentencing Date: June 29, 2017 at 1:00 pm**

**Defendant.**

The United States of America, by and through United States Attorney for the District of Oregon, Billy J. Williams, and Frank R. Papagni, Jr., Assistant United States Attorney, respectfully submit the following sentencing memorandum to assist the Court in imposing a reasonable sentence which is sufficient but not greater than necessary for this Defendant who received, altered, used and hid a stolen BLM tractor with the assistance of his son, Sky Shipman, a recidivist.

\\

\\

\\

**18 U.S.C. § 3553****Nature and Circumstances of Offense and Defendant's History and Characteristics**

On February 16, 2017, Defendant pled guilty to knowingly receiving, retaining and concealing stolen government property, a BLM John Deere tractor. PSR ¶¶ 1-2.

At about 1:00 am on April 13, 2015, at the request of Defendant's son, Sky Shipman, Larry Larson stole the tractor from a BLM facility in Marcola, Lane County, Oregon, and delivered it at about 5:30 am to Defendant and Sky Shipman at their residence in near Wolf Creek, Josephine County, Oregon.

While serving time in an Oregon prison for drug trafficking and theft crimes, Sky Shipman met Larry Larsen. Larsen had fourteen felony convictions for various crimes including drug trafficking, aggravating thefts, burglaries, and possessing stolen vehicles. He had stolen more than a million dollars of logging equipment, vehicles and fuel.

Upon his release from Oregon prison, Larsen joined up with another felon he met in prison, Troy Herring, and they resumed their criminal careers by stealing vehicles and a boat, using and distributing methamphetamine and possessing firearm. Herring had twenty felony convictions for various crimes including drug trafficking, aggravated thefts, possession of stolen vehicles, criminally negligent homicide and being a felon in possession of a firearm. On October 31, 2016, Herring was sentenced to 5 years in prison by Judge Aiken for, again, being a felon in possession of a firearm.

Larsen modified vehicles stolen or exchanged for methamphetamine at a shop he rented in Springfield, Oregon, and stored them on Herring's friend's rural property in Linn County.

In March 2015, Defendant discussed with Sky Shipman getting a John Deere tractor and having Larsen steal one. At Larsen's shop, deputies would later find a Fresno Bee newspaper

with an insert for tractors which displayed a John Deere tractor almost identical to the one Larsen stole.

On April 13, 2017, Larsen stole a John Deere tractor and trailer from the BLM facility in Marcola, Oregon, and using a truck he stole from a car lot in Linn County, hauled it to the property in Josephine County where Defendant and Sky Shipman resided. Sky Shipman exchanged the stolen tractor for a Land Cruiser he previously purchased for \$500 and drugs. Defendant and Sky Shipman helped Larsen unloaded the tractor from a trailer and remove all the BLM markings.

Defendant used the “new tractor he just purchased” to do gravel road work for Roger Schulz. But, when Defendant and Sky Shipman learned they were suspects, they hid the tractor on a mining claim eleven miles from the Defendant’s property in Sunny Valley. One of the mining claimants was Defendant’s father. Citizens found the tractor on June 12, 2015, and it was later returned to BLM.

While Defendant’s involvement in the actual theft was limited, he was the crime’s sole beneficiary. He was arrested on August 25, 2015, and released on August 27, 2015. Completing a six-month drug treatment program in April 2016, he resumed using methamphetamine and was back in custody on September 15, 2016. Released on September 27, 2016, he went to a residential reentry center and completed an outpatient drug program in March 2017.

The 61-year old Defendant was arrested at age 50 for driving under the influence of drugs (methamphetamine). PSR ¶ 37. Four years later, he was convicted of possessing methamphetamine. PSR ¶ 38. On May 8, 2017, “On Track” reported that Defendant successfully completed drug treatment. PSR ¶ 55. On June 27, 2017, Defendant denied and then admitted using marijuana.

Defendant reportedly has a truck driving job with Blake Transportation and assists in the care of his 81-year old father.

### **Seriousness of Offense, Promote Respect for the Law and Provide Just Punishment**

The theft of the tractor and trailer led to the breakup of an intrastate vehicle/boat theft ring (Linn, Lane Benton, and Josephine counties), discovery of drug trafficking activities and felons in possession of firearms. Larsen was sentenced to 108 months in prison. Herring was sentenced to 5 years in prison. Sky Shipman, suffering from what is likely terminal cancer, received a sentence of credit for time served in custody. Amanda Taylor, Larsen's girlfriend/accomplice whose role was limited to painting the stolen BLM trailer and being with Larsen as he transported stolen vehicles, was sentenced to 1 month imprisonment. Trevor Swafford is to be sentenced in August for also painting the stole BLM trailer and aiding Larsen's theft of a truck from a car dealership in Albany, Oregon.

When viewed only as the receipt and concealment of a stolen tractor, the seriousness of the crime is low. However, Defendant's complicity in the resumption of his son's criminal career is considerably more serious. The boldness of Defendant ordering the theft of government property and attempt to disguise and hide it supports his serving a 3-year term of probation accompanied by 6 months of community confinement and payment of \$385 in restitution.

### **Afford Adequate Deterrence and Protection of the Community**

Sky Shipman's illness should prevent Defendant from again assisting in the continuation of Sky's lengthy career of theft and drug trafficking in Josephine County. Defendant having a probation officer and the awareness of the incarcerative consequences of noncompliance should also provide assurance he will not reoffend. Less certain is the potential for his relapsing into methamphetamine abuse as the stresses of a job, and his son's illness, and care for his elderly father increase.

### **Needed Educational, Employment and Substance Abuse Treatment**

While encouraged by Defendant's employment and likelihood he will be home every night, the USAO is concerned as in the past, he may resort to methamphetamine usage. *See* PSR ¶ 53. For the public's safety, Defendant must participate in substance abuse treatment and be subject to regular unannounced drug testing.

### **Advisory Sentencing Guidelines**

The Probation Office and parties agree Defendant's total offense level is 10. PSR ¶¶ 6-7, 23-34. However, the parties mistakenly concluded Defendant's 2007 driving under the influence of drugs conviction would not score a Criminal History point. Accordingly, U.S. Probation Officer Frolichman correctly determined Defendant's Criminal History category to be II for an advisory sentencing guideline range of 8 to 14 months imprisonment. PSR ¶¶ 63-64.

### **Recommendation**

The USAO concurs with the recommendation of U.S. Probation Officer Frolichman for 3 years of probation with 6 months home detention and payment of \$385 in restitution. The USAO supports all the general and special conditions of supervision recommend by U.S. Probation Officer Frolichman. Given the criminal relationship Defendant has shared for years with his son, the USAO supports his having contact only with permission of his probation officer.

DATED this 27th day of June, 2017.

BILLY J. WILLIAMS  
United States Attorney

/s/ Frank R. Papagni, Jr.  
FRANK R. PAPAGNI, OSB #762788  
Assistant United States Attorney  
(541) 465-6771